

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

KENNETH KNIGHT,

Plaintiff,

vs.

Civil Action 2:07-CV-599

Judge Smith

Magistrate Judge King

COLUMBUS POLICE DEPARTMENT,
et al.,

Defendants.

OPINION AND ORDER

Plaintiff, who is proceeding without the assistance of counsel, alleges that his constitutional rights were denied him when the defendant officers subjected him to a false arrest, excessive force, denial of medical care and malicious prosecution. Plaintiff also alleges that he was targeted because of his race. Discovery was to have been completed by June 15, 2008, and motions for summary judgment were to be filed no later than August 15, 2008. *Preliminary Pretrial Order*, Doc. No. 11, at p.2.

Defendants filed a motion for summary judgment on August 6, 2008, and plaintiff's request for an extension of time to respond was granted. *Order*, Doc. No. 22.

On October 2, 2008, i.e., one day before plaintiff's response was due, plaintiff filed another motion for an extension of time to respond to the defendants' motion for summary judgment. *Motion*, Doc. No. 23. In fact, plaintiff asks that the entire pretrial schedule be extended so as to enable him "to mount an effective response." *Id.* Defendants oppose any further extension. *Defendants' Memorandum in Opposition*, Doc. No. 24.

Under Rule 16(b)(4) of the Federal Rules of Civil Procedure, the schedule established at the preliminary pretrial conference may be modified "only for good cause and with the judge's consent." Plaintiff

has offered no justification for his failure to conduct discovery needed to respond to defendants' motion for summary judgment. Moreover, plaintiff has now had more than sixty (60) days to prepare his response to that motion. To grant the extension sought by plaintiff would prejudice the defendants to an unwarranted extent. Accordingly, plaintiff's motion for an extension of the pretrial schedule and the time for responding to the motion for summary judgment, *Motion*, Doc. No. 23, is **DENIED**.

Plaintiff may have until October 24, 2008, to respond to the motion for summary judgment. There will be no further extension of this date. Moreover, plaintiff is expressly advised that his failure to respond is likely to result in the grant of the defendants' motion.

October 8, 2008

s/Norah McCann King
Norah McCann King
United States Magistrate Judge